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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 UNITED STATES OF AMERICA, )  
09 Plaintiff, ) CASE NO. CR06-026-RSL  
10 v. )  
11 DANIEL MENGISTEAB YOHANNES, ) SUMMARY REPORT OF U.S.  
12 Defendant. ) MAGISTRATE JUDGE AS TO  
ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE  
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14 An initial hearing on supervised release revocation in this case was scheduled before me  
15 on March 16, 2011. The United States was represented by AUSA Todd Greenberg and the  
16 defendant by Bruce D. Erickson. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about December 8, 2006 by the Honorable Robert  
18 S. Lasnik on a charge of Conspiracy to Distribute Cocaine Base, and sentenced to 36 months  
19 custody, five years supervised release. (Dkt. 264.)

20 The conditions of supervised release included the standard conditions plus the  
21 requirements that defendant participate in a substance abuse program, abstain from alcohol,  
22 submit to search, participate in mental health treatment, provide his probation officer with access

01 to financial information upon request, and be prohibited from association with any known gang  
02 members. The sentence was amended on April 21, 2008 to provide for imprisonment of 29  
03 months, pursuant to a change in the guidelines sentence range for crack cocaine, 18 U.S.C. §  
04 3582(c)(2), 28 U.S.C. § 994(u). (Dkt. 365.) Supervision commenced on April 28, 2008. On  
05 August 25, 2008, defendant's probation officer reported that defendant had violated conditions  
06 of supervision by associating with a known felon. The alleged violation was addressed in Moral  
07 Reconciliation Therapy and the Court approved the recommendation of no other action at that time.  
08 (Dkt. 392.)

09 On September 11, 2008, defendant's conditions of supervised release were modified to  
10 require participation in home confinement with electronic monitoring for up to 90 days. (Dkt.  
11 396.) On January 22, 2010, defendant admitted violating the conditions of supervised release by  
12 failing to participate in Moral Reconciliation Therapy, failing to report to the probation officer as  
13 directed, committing the crime of Driving with a Suspended License, associating with a known  
14 felon, and associating with persons engaged in criminal activity. (Dkt. 434.) Defendant was  
15 sentenced to 30 days and 59 months supervised release. He was further required to not obtain  
16 any forms of identification in any but his true identity. (Dkt. 439.)

17 In an application dated August 3, 2010 (Dkt. 443, 444), U.S. Probation Officer Thomas  
18 J. Fitzgerald alleged the following violations of the conditions of supervised release:

- 19 1. Failing to comply with the Location Monitoring Program since March 20, 2010,  
20 in violation of the special condition requiring he participate in the Location Monitoring Program  
21 with electronic monitoring for a period of 120 days, as directed by the probation officer.
- 22 2. Failing to participate in Moral Reconciliation Therapy (MRT) as directed since May

5, 2010, in violation of his special condition of supervised release.

3. Consuming marijuana on or before July 7, 2010, in violation of standard condition number seven of his supervised release.

4. Failing to report for urinalysis testing as directed on July 14, 2010, in violation of his special condition of supervised release.

5. Failing to report to the probation officer as directed on July 16, July 20, and July 23, 2010, in violation of standard condition number two of his supervised release.

Defendant was advised in full as to those charges and as to his constitutional rights.

Defendant admitted the alleged violations and waived any evidentiary hearing as to whether they occurred.

I therefore recommend the Court find defendant violated his supervised release as alleged, and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge Lasnik.

Pending a final determination by the Court, defendant has been detained.

DATED this 17th day of March, 2011.



Mary Alice Theiler  
United States Magistrate Judge

cc:	District Judge:	Honorable Robert S. Lasnik
	AUSA:	Todd Greenberg
	Defendant's attorney:	Bruce D. Erickson
	Probation officer:	Thomas J. Fitzgerald